

ARKANSAS SUPREME COURT

No. CACR 05-1283

WENDELL A. SHIELDS
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered January 17, 2008

PRO SE MOTION FOR COPY OF
DOCUMENT AT PUBLIC EXPENSE
[CIRCUIT COURT OF MISSISSIPPI
COUNTY, CHICKASAWBA DISTRICT,
CR 2005-152, CR 2001-122]

MOTION DENIED

PER CURIAM

In 2005, petitioner Wendell A. Shields was found guilty of burglary in a trial to the bench and sentenced to thirty years' imprisonment. His probation in a previous case was revoked and the court sentenced him to eight years' imprisonment to be served concurrently to the sentence for burglary. The Arkansas Court of Appeals affirmed. *Shields v. State*, CACR 05-1283 (Ark. App. June 28, 2006).

Petitioner, who contends that he is indigent, now seeks at public expense a photocopy of the pro se points for reversal he filed in his direct appeal.¹ There are no grounds for the request and petitioner does not contend that he is currently involved in any specific proceeding that requires a copy of the points.

The motion is denied. A petitioner is not entitled to a free copy of material on file with this

¹For clerical purposes, the motion has been filed under the docket number assigned to the direct appeal of the judgment that was lodged in the Arkansas Court of Appeals. This court decides all motions for photocopying at public expense because such motions are considered to be requests for postconviction relief. *See Williams v. State*, 273 Ark. 315, 619 S.W.2d 628 (1981) (per curiam).

court or the court of appeals unless he or she demonstrates some compelling need for certain documentary evidence to support an allegation contained in a timely petition for postconviction relief. *See Austin v. State*, 287 Ark. 256, 697 S.W.2d 914 (1985) (per curiam). Indigency alone does not entitle a petitioner to free photocopying. *Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam). As petitioner here has cited no specific reason for requiring the requested material and has failed to demonstrate that there is a postconviction remedy available to him, the motion is denied.

It should be noted that when an appeal has been lodged in this court, the appeal transcript and other material filed on appeal remain permanently on file with the clerk. Persons may review a transcript or other material in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of a transcript or other material on file may write this court, remit the photocopying fee, and request that the copy be mailed to the prison. All persons, including prisoners, must bear the cost of photocopying. *Moore v. State*, 324 Ark. 453, 921 S.W.2d 606 (1996) (per curiam).

Motion denied.